



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

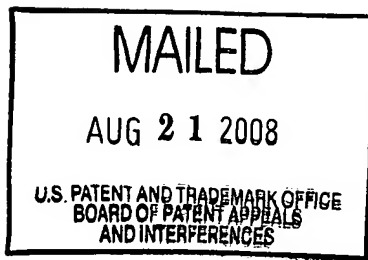
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,957	02/13/2004	Paul Shirley	303.774US2	7102
21186 7590 08/21/2008 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER CARRILLO, BIBI SHARIDAN	
			ART UNIT 1792	PAPER NUMBER
			MAIL DATE 08/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte PAUL SHIRLEY
and
CRAIG HICKMAN

Application 10/777,957

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on April 2, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:¹

¹ The deficiency noted by the September 25, 2006 Order Returning Undocketed Appeal was remedied by the Examiner's Answer mailed November 3, 2006.

An examination of the Image File Wrapper (IFW) reveals that a Reply Brief was filed on January 5, 2007, in response to the Examiner's Answer mailed November 3, 2006. However, there is no indication in the record regarding whether or not the examiner has considered the Reply Brief.

Section 41.43 of the Code of Federal Regulations (2006) states:

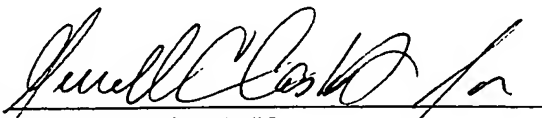
(a)(1) After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issues raised in the reply brief.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for written notification to appellants regarding consideration of the Reply Brief filed January 5, 2007; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
DALE M. SHAW
Chief Appeals Administrator
(571) 272-9797

DMS:psb

Application 10/777,957

Schwegman, Lundberg & Woessner, P.A.
P.O. Box 2938
Minneapolis, MN 55402